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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 10

Application Number: 08-251,125
Filing Date: 5-31-1994
Appellant(s): Ole K. Nilssen

MAILED
MAY 06 1997
GROUP 2500

Ole K. Nilssen
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 7-15-1996

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

Art Unit:

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

Art Unit:

(7) *Grouping of Claims*

The rejection of claims 1-10 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

Number	Name	Date
⁶¹¹ 3,661,021	Wallace	10-5-1971
3,889,153	Pierce	06-10-1975

Art Unit:

(10) *New Prior Art*

No new prior art has been applied in this examiner's answer.

(11) *Grounds of Rejection*

The Final rejection dated 3-5-1996 forms the following ground(s) of rejection are applicable to the appealed claims.

(12) *New Ground of Rejection*

This examiner's answer does not contain any new ground of rejection.

(13) *Response to argument*

The examiner respectfully disagrees with appellant that the various terms recited in the claims have clear antecedent basis.

Appellant has continued to refuse to provide proper antecedent basis for the terminology "first sub-circuit", "second sub-circuit", "third sub-circuit", and "fourth sub-circuit", yet antecedent basis for this terminology must be provided for so that the scope of the claims can be determined and the best prior art can be found and cited. Without adequate

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support in the specification for the terminology invented in the claims, it is impossible to be sure what elements from the specification compose these claimed items and it is impossible to find and apply the best prior art. This is especially important in determining the equivalents of the claimed structure. The examiner is left to guess what exact structure was meant by appellant. See 37 CFR 1.75(d)(1) and MPEP 608.01(l).

Appellant fails to provide support for an invention that maintains a constant non-zero output across two nodes irrespective of the amount of power being drawn.

Appellant recites that he fails to understand the 35 USC 112 first paragraph rejection, yet the rejection was clear. The rejection recited that it is a well known fact that a load placed across two nodes does exist by which the voltage across these two nodes will drop significantly. Appellant does not dispute this, yet appellant clearly claims that no load can result in a significant voltage drop, which is an impossibility. The previous office action clearly points this out. Appellant should note that claim 9 recites “the magnitude of the AC output voltage being substantially the same irrespective of the amount of power being drawn from the AC terminals”(emphasis added). Thus, for an infinite amount of power draw due to a short across the two nodes that defines the AC output voltage, there will be no AC voltage across these two terminals which is contrary to that claimed. It is clearly impossible to build a power supplying AC source that will maintain a substantially constant magnitude across it's

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output irrespective of the amount of power drawn like when a short circuit is applied there across.

Clearly there is an LC circuit effectively series connected across the AC terminals of the inverter and is resonant at or near the fundamental frequency.

Note column 2, around line 60 of Wallace that recites this “equivalent series impedance” and note column 2, around line 53 that recites “near resonance...at the fundamental frequency”.

Appellant offers no proof that Wallace does not “need” a protection means. However, even if true many things may not need a protection means like a chain saw does not need a chain brake, but it certainly would have been obvious to place a chain brake on a chain saw that does not have one given that chain brakes for saws are known. The examiner agrees that it may be a difficult job to do so, but never-the-less it would have been obvious to do so. How difficult it is to do so is not the issue, whether or not it is obvious is.


Appellant recites that Wallace has two L-C circuits. The examiner fails to see the relevance of this for the claimed invention is open ended. The claims do not exclude other L-C circuits or networks.

Art Unit:

The examiner has provided a prima facie case of obviousness contrary to applicant's remarks in section "d" and "e" of the Brief.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

MS

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